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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

गृह मंत्रालय

नई दिल्ली, 12 सितम्बर, 1986

अधिसूचना

का.आ. 668(अ).—केन्द्रीय सरकार ने विधि विरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का.आ. 31(अ), तारीख 30 जनवरी, 1986 द्वारा मिजो नेशनल फ्रंट को, जिसके अन्तर्गत उसके द्वारा स्थापित अन्य निकाय तथा तथाकथित मिजो नेशनल अर्मी भी है, विधि विरुद्ध संगम घोषित किया था;

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का.आ. 63 (अ), तारीख 21 फरवरी, 1986 द्वारा विधि विरुद्ध क्रियाकलाप (निवारण) अधिकरण गठित किया जिसमें गीहाटी उच्च न्यायालय के न्यायाधीश न्यायमूर्ति श्री एस.एन. पूकन को रखा गया,

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना को 25

फरवरी, 1986 को उक्त अधिकरण को यह अधिनियमित करने के प्रयोजन के लिए निर्दिष्ट किया कि उक्त संगम को विधि विरुद्ध घोषित करने के लिए पर्याप्त कारण था या नहीं;

और उक्त अधिकरण ने, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 29 जुलाई, 1986 को एक आदेश किया ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसरण में, उक्त आदेश को प्रकाशित करती है।

[का. सं. 8/10/86-एन ई 1]

आर. वासुदेवन, अवर सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 12th September, 1986

NOTIFICATION

S.O. 668(E).—Whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), declared the Mizo National Front including the other bodies set up by it and the

so called Mizo National Army to be unlawful associations vide Notification of the Government of India in the Ministry of Home Affairs No. S.O. 31(E), dated the 30th January, 1986;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 5 of the said Act constituted vide Notification of the Government of India in the Ministry of Home Affairs No. S.O. 63(E), dated the 21st February, 1986, the Unlawful Activities (Prevention) Tribunal consisting of Shri Justice S. N. Phukan, Judge of the Gauhati High Court;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the said Act referred the said Notification to the said Tribunal on the 25th February, 1986, for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association as unlawful;

And whereas the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, made an Order on the 29th July, 1986;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said Order.

ORDER

Mizoram, the land of music and dance is situated in the southern most tip of the North-East India surrounded by two foreign countries, namely, Burma and Bangladesh. The love of the Mizo people, for music is well known, but unfortunately, in the year 1986, a group of Mizo people threw away their guitar and took to arms. To tackle the problem, the Government of India have had to take various steps including the help of the provisions of Section 3 of Unlawful Activities (Prevention) Act, 1967 (Act No. 37 of 1967), for short, 'the Act'. Notifications had to be issued as many as five times under section 3 of the Act. The life of a Notification is only for two years from the date on which the Notification becomes effective. The Notifications were duly referred to by the Government of India to the Tribunals constituted under Section 4 of the said Act, and, the learned Tribunals declared that there were sufficient causes for declaring the Organisations, namely, Mizo National Front, for short, 'MNF', Mizo National Army and other bodies set up by them as unlawful Organisations.

The present Notification was issued on the 30th January, 1986 giving particulars as required under Section 3 of the Act, and, this Tribunal was duly constituted in terms of Section 4. Reference was also made with the time prescribed by the relevant section and, this Tribunal's sittings held on 5th and 6th May,

1986 directed the Government of India, Government of Assam, Government of Manipur, Government of Tripura and the Administration of Mizoram to publish duly the notices on the Mizo National Front and other bodies. The report was received and the notices were found to be duly published as required under the provisions of the Act and rules framed thereunder.

None appears for the Mizo National Front and/or its allied bodies, and as such, this Tribunal decided to proceed with the matter ex-parte. On 21-7-86, the sitting of the Tribunal was held at 3, Teen Murti Lane, New Delhi, and Mr. A. R. Borthakur, Senior Counsel (assisted by Mr. P. Borthakur, Advocate) for the Government of India prayed for time as the question whether the impugned Notification would be cancelled or not was under active consideration of the Government of India in view of the settlement arrived at with MNF leader, Mr. Laldenga by the Government of India. Prayer was allowed and the 28th July, 1986 was fixed for hearing of the matter.

On 28th July, 1986, an affidavit was filed on behalf of the Government of India by Mr. Borthakur, learned Counsel. Mr. Borthakur also submitted that the matter may be taken up for hearing/orders on the 29th July, 1986.

Today, a petition has been filed by Mr. Borthakur on behalf of the Government of India, Ministry of Home Affairs stating, inter alia, that in view of the recent developments in Mizoram leading to the signing of an accord by the Government of India with Shri Laldenga, the MNF leader, the Government of India proposes to review the entire issue including cancellation of the Notification. It is further prayed that this Tribunal may not pass any order at this stage. A copy of the Memorandum of Settlement dated 30th June, 1986 between the Government of India and the MNF is also placed before me in support of the above submission.

Mr. Borthakur has referred to the provisions of the Act and submits that this being a delicate matter and considering the facts and circumstances of the case, no order needs be passed at this stage. I accept the contention of Mr. Borthakur, and, I am of the opinion that in national interest and also for smooth implementation of the Memorandum of Settlement, no order needs to be passed. I also need not examine whether there was sufficient cause for declaring MNF and other allied bodies to be unlawful by the Government of India by the Notification in question.

In this connection, I would like to quote the observations of my noble and learned brother, Mr. Hansaria, from his order dated 27-5-1982. He observed "I part with the hope that the present would be the last occasion of doing this exercise and there would be a political solution of the problem soon. It is this cherished desire which had led me to go into the causes of unrest in my humble way and to make my observations at appropriate places to see that peaceful Mizoram finds its rightful place in the body politic of this great country".

I sincerely hope and trust that the section of people of Mizoram who took to arms earlier will now throw away their arms and take back their guitar and thereby usher in a new era of peace and tranquility in Mizoram in the larger interest of the country.

The Reference is disposed of accordingly.

S. N. PHUKAN, Judge

Dated, the 29th July, 1986.

[F. No. 8/10/86-NEY]

R. VASUDEVAN, Jt. Secy.

